

REMARKS

Claims 128-136, 138-141, 145-153, 155-158, 162-168, and 172-174 are currently pending in the application. The Applicants request reconsideration of the pending claims in view of the following remarks.

Claims 128-135, 145-152, 162-168, and 172-174 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Preves et al., U.S. Patent 5,757,933 (Preves) in view of Palett et al. U.S. Patent 4,875,229 (Palett). According to the Office Action, Preves discloses all of the limitations of the above recited claims except mounting microphones in the interior surface of a passenger vehicle. However, according to the Office Action, Palett discloses mounting microphones in vehicles. According to the Office Action, Palett may be combined with Preves to arrive at the Applicants' claimed invention as set forth in independent claims 128, 129, 131, 134, 145, 146, 148, 151, 162, 163, 165, 167, and 172. The Applicants respectfully disagree.

Preves discloses an in-the-ear hearing aid. Palett discloses a telephone and call answering device mounted on the visor of a vehicle. The Applicants respectfully submit that hearing aids are very specialized devices. Preves teaches a hearing aid adapted to fit into a human ear equipped with micro-circuitry specifically designed to perform within the constraints and in close proximity to the sound interpreting organs of the human ear. It is not obvious to place a hearing aid in a telephone and call answering machine device.

Palett teaches a vehicle telephone and answering machine device. Palett discloses that the telephone device has a microphone 21 and a speaker 23, each of which are mounted behind a faceplate 12 having grille openings 15 and 22, respectively. Palett does not teach, suggest, or mention, however, that a hearing aid would be desirable, applicable, or contemplated for

mounting in the telephone device. It is not obvious to place a hearing aid in a telephone and call answering machine device.

The Applicants respectfully submit that hearing aids and telephone devices lie in non-analogous arts. In order for two references to be combinable, the references must be at least in analogous arts. Preves is in the hearing aid art. Palett is in the telephone answering machine art. The ordinarily skilled artisan in either the hearing aid art or the telephone answering machine art would not find it obvious to combine a hearing aid and a telephone answering machine. Therefore, the Applicants respectfully submit that the two cited references, Preves and Palett are not combinable.

Further, in order for two references to be combinable, not only must the combination show that every feature of the rejected claim is disclosed in the combined references, (the Applicants respectfully disagree ^{not in detail} that every limitation is disclosed), but also the combination must show that the teaching reference (in this case Palett) discloses that it is known or contemplated to combine features of the teaching reference with the features of the base reference (in this case Preves) to arrive at the proposed combination of references. Palett fails to teach, suggest, or mention, combining a hearing aid (such as is taught by Preves) with a telephone and answering machine device (as taught by Palett). Therefore, the cited references are not properly combinable.

Additionally, the Applicants respectfully submit that references may be combinable when the proposed combination is well known in the art, as suggested in the Office Action. The Applicants respectfully submit that it is not well known, in either the hearing aid art or the

telephone answering machine art, to mount a hearing aid in a telephone answering device.

Therefore, the cited references are not combinable.

Therefore, the Applicants respectfully submit that the proposed combination of references is at least improper because, the references lie in non-analogous arts, the references fail to suggest or contemplate the proposed combination, and the combination is not well known in the art.

For at least the reasons set forth above, the Applicants respectfully submit that claims 128, 129, 131, 134, 145, 146, 148, 151, 162, 163, 165, 167, and 172 are allowable over the proposed combination of references. The Applicants request that the rejection of claims 128, 129, 131, 134, 145, 146, 148, 151, 162, 163, 165, 167, and 172 under 35 U.S.C. § 103(a) over Preves and Palett be withdrawn.

Claims 130, 132, 133, 135, 147, 149, 150, 152, 164, 166, 168, 173 and 174 were also rejected as being obvious over the proposed combination of Preves and Palett. However, in light of the above recited deficiencies in the proposed combination of references with respect to claims 128, 129, 131, 134, 145, 146, 148, 151, 162, 163, 165, 167, and 172, the Applicants assert that rejection of claims 130, 132, 133, 135, 147, 149, 150, 152, 164, 166, 168, 173 and 174 is now moot and that the claims are allowable over the cited references. The Applicants request that the rejection of claims 130, 132, 133, 135, 147, 149, 150, 152, 164, 166, 168, 173 and 174 be withdrawn.

Claims 141 and 158 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto et al., U.S. Patent 4,399,327 (Yamamoto) in view of Palett et al. U.S. Patent 4,875,229 (Palett). According to the Office Action, Yamamoto discloses all of the limitations of

the above recited claims except mounting microphones in the interior surface of a passenger vehicle. However, according to the Office Action, Palett discloses mounting microphones in vehicles. The Applicants respectfully traverse the rejections.

Applicants set forth in claims 141 and 158, a microphone assembly comprising an assembly output signal and an additional output signal having an extended low frequency response in combination with all the other recited features in the claims.

According to the Office Action, Yamamoto discloses a microphone assembly comprising an output signal in an embodiment disclosed in Figure 13. Further, according to the Office Action, Yamamoto discloses a microphone assembly comprising a directional signal with an extended low frequency response (low pass filter) in an embodiment disclosed in Figure 14. Additionally, according to the Office Action, it would have been obvious to switch between the alternate embodiments for a specific output signal.

The Applicants respectfully submit that Yamamoto is different from the Applicants' claimed invention as set forth in claims 141 and 158.

The Applicants set forth a microphone assembly comprising an assembly output signal and an additional output signal having an extended low frequency response. Therefore, the Applicants disclose a microphone assembly having two outputs in a single embodiment, whereas Yamamoto merely discloses a microphone assembly having a single output in two different embodiments (Figures 13 and 14). For at least this reason, the Applicants respectfully submit that Yamamoto is different from the Applicants' claimed invention as set forth in claim 141 and 158. Therefore, claim 141 and 158 are allowable over Yamamoto.

Palett fails to remedy the deficiencies of Yamamoto. Palett, even if combined with Yamamoto, fails to disclose a microphone assembly comprising an assembly output signal and an additional output signal having an extended low frequency response. Therefore, the combination of Yamamoto and Palett fails to disclose every feature set forth in the Applicants' claims 141 and 158. The Applicants respectfully assert that claims 141 and 158 are allowable over the proposed combination of Yamamoto and Palett and requests withdrawal of the rejection to the claims under 35 U.S.C. § 103(a) over Yamamoto and Palett.

Applicants thank the Examiner for favorable consideration and allowance of claims 136, 138-140, 153, and 155-157. However, the Applicants respectfully submit that the Reasons for Allowance submitted in the Office Action may import interpretations into the claims in relation to prior art that are unnecessarily limiting and place unwarranted interpretations upon the claims.

Such characterizations of the claims, in view of prior art, may not properly take into account the Applicants' claimed invention, as set forth in the claims, the specification, and the prosecution history of the present application. The Applicants believe that the claims, the specification, and the prosecution history in their entirety provide an adequate basis for allowability of the claims.

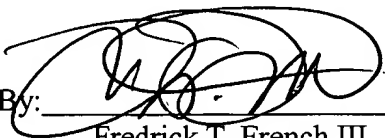
Additionally, specific parts of the Examiner's Reasons for Allowance may pertain to limitations appearing in some of the claims, but not appearing in others of the claims. The Applicants respectfully submit that the Examiner has thoroughly examined the claims, recognized the limitations appearing or not appearing therein, and properly found the claims to be allowable based upon the record.

Based on at least the foregoing remarks, the Applicants believe that all of the pending claims are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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